

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP BIG LEGGINS,

Defendant.

CR-04-112-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 16, 2022. (Doc. 49.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 15, 2022. (Doc. 48.) The United States accused Phillip Big Leggins (Big Leggins) of violating his

conditions of supervised release 1) by failing to follow the instructions of his probation officer; 2) by failing to notify his probation officer of a change in residence; and 3) by failing to report for substance abuse treatment. (Doc. 41.)

At the revocation hearing, Big Leggings admitted to violating the conditions of his supervised release 1) by failing to follow the instructions of his probation officer; 2) by failing to notify his probation officer of a change in residence; and 3) by failing to report for substance abuse treatment. (Doc. 48.) Judge Johnston found that the violations Big Leggings admitted proved to be serious and warranted revocation, and recommended revocation of Big Leggings' supervised release and recommended that Big Leggings receive a custodial sentence of 6 months, with 52 months of supervised release to follow with the first 180 days in a residential re-entry center such as Alpha House in Billings, Montana. (Doc. 49.) Big Leggings was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 48.) The violations prove serious and warrant revocation of Big Leggings' supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 49) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Phillip Big Leggings be sentenced to the Bureau of

Prisons for 6 months, with 52 months of supervised release to follow with the first 180 days in a residential re-entry center such as Alpha House in Billings, Montana.

DATED this 1st day of December, 2022.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court